

December 28, 2023

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**VIA ECF**

Honorable Laura Swain, U.S.D.J.  
U.S. District Court - SDNY  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Annamarie Trombetta v. Norb Novocin, et.al.*  
Civil Action No. 18-cv-993  
Our File No. 19701.00006

Dear Judge Swain:

Please allow this correspondence to address plaintiff's Letter to Judge Swain, which was filed as ECF 533, on December 27, 2023, and sent to Defendants on December 28, 2023, without previously conducting a Meet and Confer as directed by the Court previously. Had Ms. Trombetta engaged in a Meet and Confer, we may have avoided her letter to the Court.

Contrary to Ms. Trombetta's arguments, WorthPoint has filed under seal its motion for summary judgment exhibits and complied with the Court's directive. *See* ECF 529, 530. Plaintiff now, apparently, seeks for WorthPoint to upload highly sensitive and competitive information on which neither party relied in the pending motions. WorthPoint respectfully submits that plaintiff's request for the filing of unrelated, confidential documents with the Court is nothing more than an attempt to re-litigate discovery issues a year after discovery has been closed. This issue, which is irrelevant to the claims in this case, was previously raised by Plaintiff and rejected.

Moreover, WorthPoint was forced to partially redact the licensing agreements in its document production to the *pro se* plaintiff because the *pro se* plaintiff has repeatedly

demonstrated disregard to the Court-issued protective order and confidentiality designations, filing confidential information as part of the public record. As such, Magistrate Judge Cave had to retroactively seal plaintiff's public filings in order to protect WorthPoint's information. *See* ECF 224-227. Yet, the damage had already been done by Plaintiff's disregard for confidentiality.

In addition, the Georgia litigation that *pro se* plaintiff frequently references does not impact on the issues in this litigation. WorthPoint is represented therein by different counsel, and we are unsure whether Plaintiff's representations are even accurate. Regardless, there is no import to that reference.

Given the previous standing instructions on the briefing in response to Plaintiff's letters to the Court, WorthPoint states that it is available to address this matter further as the Court may require and awaits the Court's direction in this regard. However, we do not believe a response should be needed as this is "old news."

We wish Your Honor a Happy New Year, and thank Your Honor for your attention to this matter.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

*Jana S. Farmer*

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Cc: All counsel  
Annamarie Trombetta